

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
December 4, 2009
Elisabeth A. Shumaker
Clerk of Court

In re:

LINDSEY K. SPRINGER,

Petitioner.

No. 09-5165
(D.C. No. 4:09-CR-00043-SPF-1)
(N.D. Okla.)

ORDER

Before **KELLY, BRISCOE**, and **GORSUCH**, Circuit Judges.

On November 16, 2009, a jury found Lindsey K. Springer guilty of violating 18 U.S.C. § 371 and 26 U.S.C. §§ 7201 and 7203. The trial was conducted by District Judge Stephen Friot, sitting by designation. Mr. Springer seeks a writ of mandamus ordering Chief District Judge Claire V. Eagan and Judge Friot “to cease exercising Article III Judicial Power of the United States, including Jurisdiction and Venue, over Springer’s person and vicinage, in case number 09-cr-043, in the Grand Jury Indictment dated March 10, 2009, United States of America v. Lindsey Kent Springer,” because (1) Judge Friot is not a judge of the Northern District of Oklahoma; (2) since 2000, there has been no “Internal Revenue District” for Oklahoma, so that the Northern District of Oklahoma has no jurisdiction or venue to enforce the internal revenue code; and

(3) the Internal Revenue Service Form 1040 for the years 2000-2007 violates the Paperwork Reduction Act. Pet. at 1.

“The Supreme Court has made it clear that mandamus is a ‘drastic’ remedy that is ‘to be invoked only in extraordinary situations.’” *In re Antrobus*, 519 F.3d 1123, 1124 (10th Cir. 2008) (quoting *Allied Chem. Corp. v. Daiflon, Inc.*, 449 U.S. 33, 34 (1980) (per curiam)). Among other factors for mandamus relief, a petitioner must show that “no other adequate remedy is available.” *In re McCarthy*, 368 F.3d 1266, 1268 (10th Cir. 2004) (alteration and quotation omitted). Mr. Springer cannot satisfy this requirement, because at the proper time he may appeal his conviction and sentence. “The extraordinary relief of a writ of mandamus is not a substitute for an appeal.” *Weston v. Mann (In re Weston)*, 18 F.3d 860, 864 (10th Cir. 1994).

The petition for a writ of mandamus is DENIED.

Entered for the Court,

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", followed by a horizontal flourish line.

ELISABETH A. SHUMAKER, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
OFFICE OF THE CLERK**

Byron White United States Courthouse
1823 Stout Street
Denver, Colorado 80257
(303) 844-3157

Elisabeth A. Shumaker
Clerk of Court

December 04, 2009

Douglas E. Cressler
Chief Deputy Clerk

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A
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RE: 09-5165, In re: Lindsey K. Springer
Dist docket: 4:09-CR-00043-SPF-1

Dear Counsel:

Enclosed please find an order issued today by the court.

Please contact this office if you have questions.

Sincerely,



Elisabeth A. Shumaker
Clerk of the Court

cc: Alan Hechtkopf
Charles Anthony O'Reilly
Alexander Patrick Robbins
Kenneth Palmer Snoke

EAS/cp